

Department of Permitting and Inspections

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 4, 2022
RE: ZP 21-606 111 North Winooski Avenue

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP 21-606

Location: 111 North Winooski Avenue

Zone: RM **Ward:** 2C

Parking District: Neighborhood

Date application accepted: August 10, 2021 NPA meetings held October 14, 2021 and November 11, 2021.)

Applicant/ Owner: Michael Alvanos / Dan Trahan

DAB review: November 23, 2021 and December 14, 2021

Request: Demolish rear barn; construct 6 unit apartment building with associated parking and landscaping behind existing duplex.

Background:

- **Non-applicability of Zoning Permit Requirements 12-0870NA;** grade existing gravel driveway. No change to dimension. March 2012.
- **Zoning Permit 10-1128CA;** remove 30 inches of slate along roof edge and install painted steel. June 2010.



Overview: 111 North Winooski Avenue is a Greek Revival residence with two units, and a rear carriage barn in a state of failure. Both the house and barn are listed on the Vermont State Register of Historic Resources. The property was owned for many decades by a property owner who was pursued by Code Enforcement in an effort to spur increased essential maintenance on his buildings, which were rapidly advancing into failure. The property transferred ownership in 2006, and is now proposed for redevelopment in the rear, with demolition of the barn. A detached structure with 6 new residential units is proposed.

The **Design Advisory Board** reviewed the application at their November 23rd and December 14th meetings, voting unanimously to accept the demolition of the failed historic carriage barn and replacement with a detached 6 unit residential structure.



Recommended motion: Conditional Use and Certificate of Appropriateness approval, per the following Findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.2.1 Pre-application conferences

d) Pre-application Neighborhood Meeting

The applicant has attended two NPA meetings to introduce the project; a requirement when adding 5 or more residential units. **Affirmative finding.**

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

With a credit allowance for the barn (storage) to be demolished, the following is a draft of Impact Fees due: (Revision is expected to reflect the Inclusionary Zoning unit)

Existing carriage barn (from Assessor's card)

SF of Project 1,200

FY 22: July 1, 2021 - June 30, 2022

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.717	860.40
Fire	0.211	253.20
Police	0.372	446.40
Parks	0.445	534.00
Library	0.000	0.00
Schools	0.000	0.00
Total	1.745	\$ 2,094.00

(Storage)

Proposed new area (residential)

SF of Project 5,526

FY 22: July 1, 2021 - June 30, 2022

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.208	1,149.44
Fire	0.235	1,298.65
Police	0.047	259.73
Parks	0.789	4,360.14
Library	0.488	2,696.77
Schools	1.019	5,631.16
Total	2.786	\$ 15,395.89

1st and second floor 67' x 25.66' = 1719.22 x 2 = 3438.44sf

3rd floor 67' x 31.16' = 2087.72 sf

3438.44 + 2087.72 = 5526.16 sf total area

Difference **\$ 13,301.89**

Allocation by department:	
Enter Total Fee:	\$13,301.89

Department	<u>Residential</u>	
	Rate	Fee
Traffic	0.208	993.11
Fire	0.235	1122.02
Police	0.047	224.40
Parks	0.789	3767.12
Library	0.488	2329.98
Schools	1.019	4865.26
Total	2.786	\$ 13,301.89

Affirmative finding as conditioned.

Section 3.3.3 Exemptions and Waivers

(c) Inclusionary Housing Exemption:

Inclusionary housing units per Article 9: Part 1 shall be exempt from this part.

Impact fees shall be adjusted in concert with the Housing Trust Fund Manager's assessment of any inclusionary units within this project.

Affirmative finding as conditioned.

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city's chief administrative officer/city treasurer according to the following schedule:

- a. *New Buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

Affirmative finding as conditioned.

Part 5: Conditional Use and Major Impact Review

Section 3.5.2 Applicability

- (a) *Conditional Use Review shall be required for the approval of all development subject to the following provisions of this ordinance:*

2. *Any Special Use specifically identified as being subject to conditional use review.*

Demolition of a listed historic structure requires Conditional Use Review per Section 5.4.8.

- (b) *Major Impact Review*

Not applicable.

Section 3.5.6 Review Criteria

- (a) **Conditional Use Review Standards:**

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area.*

A letter of capacity for water and sewer will be required from Burlington's Water Resources Division. No other unusual demand on public utilities, facilities or services are identified.

Affirmative finding.

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development Plan;*

The addition of 6 new residential units within a zoning district that focuses on residential use is consistent with the character of the area. From *PlanBTV: Comprehensive Plan*:

- *Burlington as a Dynamic City, Section 8.1: Remove barriers and disincentives to housing production, and encourage infill and redevelopment of underutilized site. p114.*
- *Promote greater utilization of developed areas through infill development and redevelopment within core growth areas. P. 85.*

Affirmative finding.

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed new 6 unit residential building is consistent with the character of the area, and will not introduce any new impacts relative to noise, odor, dust, heat or vibrations. **Affirmative finding.**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

The parcel(s) are within the network of existing highway, streets and pedestrian paths. The GMT (formerly CCTA) bus routes are immediately available. Bike parking is provided on-site.

Affirmative finding.

and

5. *The utilization of renewable energy resources;*

There is nothing within the application to deter the utilization of renewable energy resources.

Affirmative finding.

and

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.*

The applicant is responsible to securing all local and state permits, including a letter of adequate water and sewer capacity from Burlington's Water Resources Division, approval of an Erosion Prevention and Sediment Control plan, and a state wastewater permit. **Affirmative finding as conditioned.**

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

The residential districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced. Parking shall be placed either behind, within, or to the side of structures as is consistent with the district and/or the neighborhood.

3. Residential Medium Density (RM) District is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments.

The redevelopment of the rear lot at 111 North Winooski Avenue is consistent with the purpose and intent of the zoning district, albeit replacement of a carriage barn in partial collapse with a detached, multi-unit residential structure. Parking in its present and proposed location is placed behind the primary (street facing) duplex. Pedestrian walkways will allow for a separation of vehicles and peoples so safe navigation may be made between the public sidewalk and the residences. **Affirmative finding as conditioned.**

(b) Dimensional Standards and Density

Table 4.4.5-2 Base Residential Density

RM Zoning District	20 units/acre
Proposed 111 North Winooski Avenue	16,815 sf lot / 43,560 = .386 acre x 20 = 8 units allowable. Two exist in the front building; 6 additional proposed.

Affirmative finding.

Table 4.4.5-3 Residential District Dimensional Standards

RM	Max Lot Coverage 40% An additional 10% of coverage may be permitted for accessory residential features.	Setbacks				Max Height 35'
		Front	Side 10% lot width or average of side yard setback of 2 adjacent lots on both sides	Rear 25% lot depth but not less than 20'	Waterfront	
111 North Winooski Avenue	39.4%	Not applicable.	6.375' based on 10% lot width.	66'3" based on 25% lot depth	Not applicable.	34.66' to the mid-line of the rise of the roof.

Affirmative finding.

(a) *Permitted and Conditional Uses*

Attached dwellings / multi-family 3 or more is a permitted use in the RM Zoning district.

Affirmative finding.

(b) *District Specific Regulations*

1. *Setbacks*

A. *Encroachment for Residential Driveways* Not applicable

B. *Encroachment into the Waterfront Setback* Not applicable

2. *Lot Coverage*

A. *Exceptions for Accessory Residential Features*

No particular itemization of site features associated with the bonus allowance have been included. The application proposes a lot coverage within acceptable limits. **Affirmative finding.**

3. *Accessory Residential Structures, Buildings and Uses*

There is an existing accessory structure (carriage barn) on the west of the site. That building is now in partial collapse. The application proposes a new detached residential building in its stead. No new accessory structures are proposed. **Affirmative finding.**

4. *Residential Density*

A. *Additional unit to Multi-family* Not applicable

B. *Additions to Existing Residential Structures* Not applicable.

C. *Residential Occupancy Limits*

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.

Affirmative finding as conditioned.

5. *Uses*

A. *Exception for existing Neighborhood Commercial Uses*
Not applicable.

6. *Residential Development Bonuses*

No bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

111 North Winooski Avenue has frontage and access from the public way. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The property is not 2 acres or more. Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.5-3, above.

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.5-2, above.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.



Both the duplex and the carriage barn are listed on the Vermont State Register. See attached narrative.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

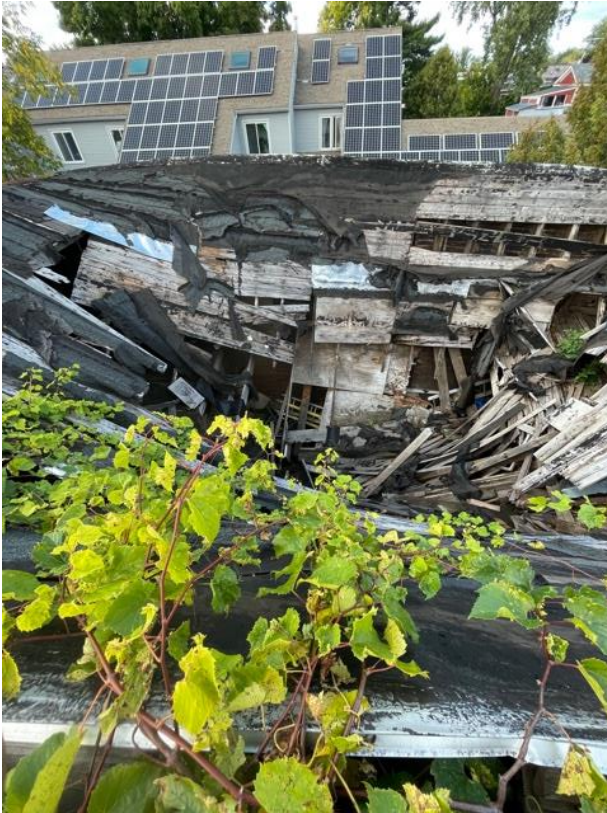
The principal structure (duplex) remains in residential use. The rear carriage barn has fallen into significant decay under a previous owner, as noted in Housing documents filed with the city. The state register narrative points to use as a “shop” for the barn. Submitted photographs reveal a building now in collapse (roof has fallen into the structure) with no identified use.

The replacement structure is intended for residential use, consistent with the principal use of the parcel.

The DAB has accepted the building as structurally failed, and supports the application.

Affirmative finding.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*



The carriage barn had an important connection to the context of the site; however in the state of failure without the opportunity of rehabilitation, that important information is lost. Although noting with disappointment the loss of the carriage barn, the DAB supports the proposed project.

Affirmative finding.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

There is no attempt to introduce conjectural features. The new detached building reads entirely as a modern addition to the property.

Affirmative finding.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None identified.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The duplex is not included in this application, and it will remain intact. The carriage barn has deplorably fallen into collapse. Photographs will be retained within the zoning file to document what has remained after decades of neglect. **Affirmative finding.**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

The application does not propose a limited repair or reconstruction of the carriage barn; rather a new structure for residential purposes. Submitted photographs within this project folder and

earlier documentation will provide an opportunity for future residents, historians and property owners to understand what previously existed on the site. **Affirmative finding.**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Although building demolition and removal is the most extreme of physical treatments, it appears the building has already succumbed to extreme of deferred maintenance. The DAB supports the redevelopment of the site. **Affirmative finding.**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

None have been identified at this site. If any archaeological resources are discovered during building demolition/construction, appropriate authorities shall be notified for appropriate assessment, evaluation, and management. **Affirmative finding as conditioned.**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The replacement building will be clearly differentiated from the historic principal structure in its more modern vocabulary and detailing. **Affirmative finding.**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*



North side of carriage barn. Photo taken from abutting property, parking area.

The unlikely removal of the new detached structure will render the principal structure intact and easily discernable as historic. There is little chance the carriage barn, however, can be resurrected to complete the historic building context. **Affirmative finding.**

Section 5.4.8 (c) Demolition by Neglect

There is a lengthy history of Code Enforcement and building officials pursuing a previous owner to coax him into compliance with building maintenance and upkeep. Attached is a Letter of Non-Compliance, confirming the state of failure of both buildings in 2005. At one time liens were placed upon the property (as allowed by this section), and the final resolution was the sale of the property. By that time, both the carriage barn and existing principal building were in poor condition. The duplex has been renovated, but the carriage barn had advanced into an unredeemable state of failure.

(d) Demolition of Historic Buildings

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

- A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*
- B. A statement addressing compliance with each applicable review standard for demolition;*
- C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:
 - (i) the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,*
 - (ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;**
- D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and,*
- E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

Aside from the photographs submitted by the applicant, there is ample evidence that the carriage barn is in a state of structural failure. The DAB made the inquiry to the design team (architect

Michael Alvanos) about any potential for reuse of the building, but testimony was given as to the complete failure of the roof, which has collapsed into the building causing the failure of the upper floor as well. Overall building failure is documented within Code Enforcement files since 2002.

The Design team (JRMA) has prepared and submitted a redevelopment plan that includes creation of 6 new residential units, one of which will be affordable. The submission packet includes plans, elevations, and details to support the request. **Affirmative finding.**

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

- A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or,*
- B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,*
- C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

And all of the following:

- D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;*
- E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history; and,*
- F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).*
 - (i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*
 - (ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,*

(iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

See above comments. Building failure has been documented since at least 2002. The property owner eventually gave up the property, and the principal building was renovated. The carriage barn has been determined to be past the point of rehabilitation, with structural failure documented in attached photographs. The creation of new residential units will provide for a lasting benefit to the community, particularly as one will be perpetually affordable.

Affirmative finding as conditioned.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

The applicant has offered, as prudently as possible, to offer building materials for salvage. The safety of the public will prevent consideration of immediate access to the site, as demolition will have to be controlled. **Affirmative finding.**

Part 5: Performance Standards

Section 5.5.2 Outdoor Lighting

Exterior recessed lighting is proposed, of residential level illumination. If any other lighting is proposed, fixture and illumination levels shall be submitted to staff for review. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan is required. Review and approval by the Stormwater Program engineer is a condition of approval.

Affirmative finding as conditioned.

Article 6: Development Review Standards

Part 1:

Land Division Design Standards

No land division is proposed. Not applicable.

Part 2: Site Plan Design Standards
Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The proposed site plan identified 2 box elders on the north property line intended for retention. At least one other mature tree is proposed to be removed. Plan C-200 has been enhanced to illustrate some landscaping, bicycle parking, parking barriers, and a landscaping wall. **Affirmative finding.**

(b) Topographical Alterations:

None are identified.

(c) Protection of Important Public Views:

There are no protected public views from or through this parcel. Not applicable.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

There is nothing in the application that alludes to the use of water, solar, wind, geothermal or other renewable energy resource. It is recommended that construction create a "solar ready" structure for easy conversion to a renewable energy resource at any time in the future.

Affirmative finding.

(f) Brownfield Sites:

This is not a listed Brownfield on the Vermont DEC website.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The plan requires EPSC/Stormwater review. The applicant has been forwarded a link to prepare the necessary information for Stormwater program review.

Entrances to all units are under cover (first floor units under the staircase; second floor entries within a building recess.) The rendering illustrates a canopy entrance at the east of the building, providing not only shelter, but an easily identifiable entrance to the building.

Snow removal has been identified to the north of the parking area, west of the recycling containers. **Affirmative finding.**

(h) Building Location and Orientation:

The new detached structure is located behind the existing duplex, and presents its entry stairs to the east. **Affirmative finding.**

(i) Vehicular Access:

Vehicular access will continue as existing; a direct access drove from North Winooski Avenue. **Affirmative finding.**

(j) Pedestrian Access:

There is a public sidewalk in front of 111 North Winooski Avenue. A pedestrian walkway has been introduced between the new building and the parking area continuing with a striped pedestrian walkway to a continued walkway leading to the public sidewalk. *Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance.* **Affirmative finding.**

(k) Accessibility for the Handicapped:

One marked handicap parking space is identified on the site plan. ADA access is under the jurisdiction of the building inspector.

(l) Parking and Circulation:

This parcel falls within the Mixed Use Multi Modal Parking District, which eliminates minimum parking requirements up to a depth of 200'. While there are no minimum standards, the applicant is providing 7 parking spaces. A Transportation Demand Management Plan (TDM) is not required as the project does not add 10 or more residential units.

The DAB has requested that the application re-visit the parking layout, in an attempt to provide usable green space between the two buildings. In the re-submission, the applicant notes that they have pushed the building further back at the request of the DAB, and states:

Just as a side, the DAB had made hints of a complete rearrangement of the parking lot to a long, linear drive with parking along its edge. We did look at that as an option, however, we felt it was just trading one portion of open space for another. It also had the disadvantage of parking alongside a neighbor's property which, in my experience can be problematic. Water can be shed along the parking area to the neighbor's foundation, along with snow build-up and lack of maintenance will certainly cause issues.

It's our position that the current design yields better results.

Affirmative finding.

(m) Landscaping and Fences:

The updated Plan C-200 illustrates some elements of a landscaping plan; namely identification of existing trees, the intended ornament grasses in front of the new structure, and a concrete wall ("to prevent light creep"?). Any wall in excess of 3' in height will require review by the City Engineer.

The applicant shall also relocate the fence within the identified property boundaries.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

Recessed lights are proposed above entry doors. Residential in illumination levels, they are acceptable. **Affirmative finding.**

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

Trash and recycling roll-offs are identified behind the existing historic structure, set back from the property line 5'. Meters and/or utility connections are attached to the principal structure (Plan C200.) Any *new* utility connections must be undergrounded. **Affirmative finding.**



Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. *Massing, Height and Scale:*

The three story structure (with first floor partially recessed into the terrain) is less than the 35' maximum height allowed by the zoning ordinance. It is not dissimilar than the 2 ½ story structures that line the avenue. **Affirmative finding.**

2. *Roofs and Rooflines.*

A modified gable roof is proposed; more modern in appearance without boxed eaves and an overhang; but related to existing structures on the street. **Affirmative finding.**

3. *Building Openings*

Window and door arrangements reflect internal room layout; with ganged windows and/or sliders at living and bedrooms, and single windows at lower level bedrooms and bathrooms. There is a loose symmetry to all elevations. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The new building will sit behind the existing duplex, so street views will be limited. The appearance is clean and fresh; siding materials are differentiated between the ground floor and upper floors, providing some interest. Revisions illustrate a dark palette, as suggested by the Board members to help the building visually “recess” behind the historic building.

Affirmative finding.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Painted vertical board and batten siding is proposed; with fiberglass windows, a brick veneered ground floor and asphalt shingled roof. All are considered of acceptable durability for new construction. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

Affirmative finding.

Article 8: Parking

North Winooski Avenue is within the Multi-Modal Mixed Use Parking District, which has no minimum parking requirements. As the building footprint is less than 8,000 sf, and does not create ten or more dwelling units, no Transportation Demand Management Plan (Section 8.1.16 (b)) is required. The proposal includes 7 on-site parking spaces. **Affirmative finding.**

Part 2: Bicycle Parking

Per Table 8.2.4-1, Bicycle Parking requirements:

1 per 2 bedrooms (Long Term Spaces), and 1 per 10 units (short term spaces.)

The new structure will introduce 12 bedrooms, and there are 3 bedrooms in the existing duplex, a total of 8 long term bicycle parking spaces are required. 8 bike parking spaces are identified on Plan C-200, south of the building and connected to the entrance by sidewalk.

Affirmative finding.

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability

This ordinance provision shall apply to any development of five or more residential units in a single structure. Multiple developments or projects by the same applicant or responsible party within any consecutive twelve (12) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.

Except as otherwise provided in this ordinance, these regulations shall apply in the instances specified below.

- (a) The creation of five (5) or more residential units through new construction and/or substantial rehabilitation of existing structures, including the development of housing units utilizing development provisions other than those specified in Section 9.1.5 (b).*

The creation of 6 new residential units requires 1 unit be dedicated as an Inclusionary Residential Unit. This applicant has concurrently applied for the creation of three new units at 72-76 Elmwood Avenue, and has a pending application for 86-88 North Winooski Avenue. The Housing Trust Fund Manager will work with the applicant to confirm the total number of Inclusionary Units required to satisfy this standard of the CDO. **Affirmative finding as conditioned.**

Section 9.1.7 Certificate of Inclusionary Housing Compliance

Notwithstanding any other provision of this ordinance, no certificate of occupancy for a project covered by this chapter shall be granted unless and until a Certificate of Inclusionary Housing Compliance has been issued by the Housing Trust Fund Manager.

Affirmative finding as conditioned.

Article 11: Planned Development

Section 11.1.3 General Requirements and Applicability

With the exception of development subject to the requirements of Article 14, any development involving multiple lots, tracts of parcels of land to be developed as a single entity, or seeking to place multiple structures and/or uses on a single lot where not otherwise permitted, may be permitted as a PUD subject to the provisions of this Article.

A planned unit development may be permitted subject to minimum project size as follows in the following districts:

District (RM) No minimum project size.

Affirmative finding.

Section 11.1.4 Modification of Regulations

With the approval of the DRB after a public hearing, the following modifications the requirements of the underlying zoning may be altered within a planned unit development:

- Density, frontage, lot coverage and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis.*
- Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*
- More than one principal use and **more than one principal structure may be permitted on a single lot, and***
- **Buildings may be of varied types including single detached, attached, duplex or apartment construction.***

Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Section 11.1.5 and Section 11.1.6.

Calculations for lot area, intensity of use and setbacks have been provided. See Tables 4.4.5-2 and 4.4.5-3. More than one principal structure is proposed within the PUD. Buildings are of varied types, including an existing duplex and apartment construction (six units). **Affirmative finding.**

Section 11.1.5 Approval Requirements

(a) The minimum project size requirements of Section 11.1.3 shall be met;

There is no minimum project size for a PUD within the Medium Density (RM) zoning district.

(b) The minimum setbacks required for the district have been met at the periphery of the project; See table 4.4.5-3, above.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.

See Articles 3 and 6, above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;

Not applicable.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;

See Table 4.4.5-3 (above.) **Affirmative finding.**

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;

See Section 4.4.5, above. **Affirmative finding.**

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

There exists a substantial amount of green space west of the structure that may be utilized for common residential space, i.e. gardens, seating, or other modest recreational use. **Affirmative finding.**

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

The project is not expected to deviate from the standard three year zoning permit period.

Affirmative finding as conditioned.

*(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests;
Sec. 11.1.1, Intent*

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The project seek some infill on the site of a failed accessory structure. The redevelopment of this parcel will provide much needed housing close to and within walking distance to downtown.

Affirmative finding.

(b) Facilitate the adequate and economical provision of streets and utilities;

The proposed new structure will be served by existing public utilities and established access to a public right-of-way.

Affirmative finding.

(c) Preserve the natural and scenic qualities of open space;

This is a very deep lot, with opportunities for enjoying open space right within the parcel. Perhaps ironically, this is the



second PUD considered by this Board that abuts a cemetery, providing adjacent (and undevelopable) open space. **Affirmative finding.**

(d) Provide for a variety of housing types;

The proposed six unit building will accompany the existing duplex on site.

Affirmative finding.

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed;

There are no physical, topographical or geological conditions that hinder redevelopment on this existing parcel. **Affirmative finding.**

And;

(f) Achieve a high level of design qualities and amenities.

As proposed, the building design proposes intensifying the density with construction of a six unit residential building. The building is articulated with differentiated building materials; welcoming building entrances, articulated window trim and Juliet balconies. Customary residential appurtenances like gardens, play areas, or clotheslines are recommended for inclusion, as typical and welcome amenities for attractive residential complexes, particularly within established neighborhoods. **Affirmative finding.**

(j) The proposed development shall be consistent with the Municipal Development Plan

From plan BTV, Comprehensive Plan:

Section 8.1: Remove barriers and disincentives to housing production, and encourage infill/redevelopment of underutilized sites.

Section 1.3: Expand stormwater management measures in new and existing development.

Affirmative finding.

(k) Any proposed accessory uses and facilities shall meet the requirements of Section 11.1.6 below.

Section 11.1.6 Accessory Facilities

(a) A planned unit development may contain a building or buildings intended for non-residential uses, such as but not limited to a community center, recreation facility, and child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use.

No accessory facilities or communities stores are proposed within the PUD. Not applicable.

II. Recommended Conditions of Approval

1. Impact fees. Based on the submitted plans, and with a credit allowance for removal of the barn/storage building, draft Impact Fees have been calculated. A final assessment and calculation will be made based upon new area, with any appropriate waiver of fees related to inclusionary units.
2. No certificate of occupancy for a project covered by this chapter shall be granted unless and until a Certificate of Inclusionary Housing Compliance has been issued by the Housing Trust Fund Manager.
3. Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.
4. Review by the Stormwater program is required, with completion of an Erosion Prevention and Sediment Control Plan. Confirmation of its acceptability is required **prior to release of the zoning permit.**
5. The westerly fence shall be relocated onto the subject property, as the survey has indicated it is placed outside the parcel in some instances.
6. The addition of 5 or more units spurs the requirement for Inclusionary zoning. At least one new unit must be affordable. The cumulative increase in housing units including other projects within a 12 month period (72-76 Elmwood Avenue) may increase that requirement. The applicant must consult with the Housing Trust Fund manager to define the total number of IZ units required, rental levels and associated details.
7. The occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any unit.
8. If any archaeological resources are discovered during building demolition/construction, appropriate authorities shall be notified for appropriate assessment, evaluation, and management.
9. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.